

Attorney Docket No. 9052-218

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Noel O'Neill

Confirmation No. 8453

Application No.: 10/528,711

Examiner: Stephen J. Ralis

Filed: October 18, 2005

Group Art Unit: 3742

For: APPARATUS FOR PROVIDING A VISUAL EFFECT

Date: September 18, 2008

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to 35 USC § 134, 37 CFR § 41.31, and MPEP § 1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the Interview Summary dated October 17, 2008 referring to at least twice rejecting or finally rejecting claims 2-10 and 12-20.

☒ The Director is authorized to charge our Deposit Account No. 50-0220 in the amount of \$540.00 for the Notice of Appeal fee as provided by 37 C.F.R. § 41.20(b)(1).

☐ Please first reapply any previously paid notice of appeal fee and appeal brief.

☐ Payment by credit card is requested. Form PTO-2038 is attached.

☒ A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.

☐ Also enclosed: _____

☒ The Director is authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



Laura M. Kelley

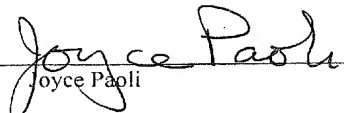
Registration No. 48,441

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on November 18, 2008.

Signature: _____


Joyce Paoli